

like the one depicted in the sketch. As stated above, the caller led me to believe that he had in mind a modest, physically unobtrusive antenna, not an 86-foot structure sufficient to support two broadcast antennas. If the caller had told me of his true plans, I would have had immediate concerns about the obvious aesthetic problems that such a structure would cause, as well as concerns about the Hotel's capacity to support such a structure, potential hazards to our guests, the cost of liability insurance, and the Hotel's ability to obtain the necessary zoning permits. In light of those concerns, I would have told the caller that the proposal would have to be considered by the Hotel's legal counsel and its Board of Directors. I was certainly not aware that the caller was planning to ask the FCC for permission to construct the 86-foot tower depicted in Appendix B on the roof of our Hotel. Had I known that fact, I would have declined his proposal without consideration.

6. I also have reviewed the statement attached hereto as Appendix C, which I understand was submitted to the FCC by Raystay in December 1991 and again in July 1992 to report the status of Raystay's construction efforts. To the best of my knowledge and belief, two assertions made in that statement are untrue. The first such assertion is that Raystay "has entered into lease negotiations with representatives of the owners of the antenna site specified in the applications..." As General

Manager of the Hotel, I have principal supervisory responsibility over all aspects of the Hotel's operations, including the negotiation and approval of all lease agreements involving the Hotel's facilities. Also, as a member of the Hotel owner's Board of Directors, I am aware of all contract obligations, including all lease negotiations and agreements, that may require board approval. To the best of my knowledge, the Hotel has never had any lease negotiations with Raystay or any representatives of that company. Indeed, to the best of my knowledge, apart from the single telephone call (or visit) in early 1989 described in paragraphs 2 and 3 above, no representative of Raystay has contacted the Hotel at any time about the matter.

7. Likewise, I am aware of no visit to the Hotel by any representative of Raystay other than the single visit described in paragraph 4 above. To the best of my recollection, that visit occurred sometime in early 1989, shortly after I received the telephone call (or visit) described above. The Hotel's current maintenance chief, who has been employed in the Hotel's maintenance department since 1984, has told me that he too does not recall any visit by a representative Raystay other than the possible visit in 1989. Thus, if the statement contained in Appendix C is meant to suggest that representatives of Raystay have inspected the Hotel roof at any time since their initial visit in early 1989, that claim is not true.

8. I understand that this Affidavit may be submitted to the FCC, and I have provided it freely and without the payment or offer of any consideration.

I hereby certify that the statements made herein are true and correct to the best of my knowledge and belief, and are submitted in good faith.

Barry L. March
Barry L. March

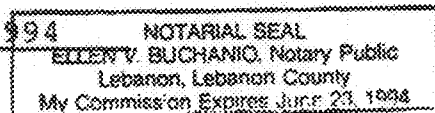
COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF LEBANON)

ss:

Sworn to and subscribed before me this 7th day of May, 1993.

Ellen V. Buchanic
Notary Public

My commission expires June 23, 1994



APPENDIX A

For Commission Fee Use Only
RECEIVED

MAR 9 1989

FCC

FEE 9705172

FEE TYPE:

FEE AMT:

© SEC:

For Applicant Fee Use Only

Is a fee submitted with this application? ☒ Yes ☐ No

If No, indicate reason therefor (check one box)

☐ Nonfeasible application

Fee Exempt (See 47 C.F.R. Section 1.111)

☐ Noncommercial educational licensee

☐ Governmental entity

DUPLICATE

For Commission Use Only

File No. **BPTTL 890309 TD**

Name of Applicant

Raystay Company

Address

P. O. Box 38

City

Carlisle

State

PA

Zip Code

17013

Telephone No. (include area code)

(717) 245-0040

2. This application is for: (check one box)

☒ Low Power Television

☐ TV Translator

☐ TV Booster

(a) Proposed Channel No.	(b) Community to be served:	
38	City Lebanon	State PA

(c) Check one of the following boxes:

☒ Application for NEW station

☐ MAJOR change in licensed facilities; call sign: _____

☐ MINOR change in licensed facilities; call sign: _____

☐ MAJOR modification of construction permit; call sign: _____

File No. of Construction Permit: _____

☐ MINOR modification of construction permit; call sign: _____

File No. of Construction Permit: _____

☐ AMENDMENT to pending application; Application file number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Sections I and VII and those other portions of the form that contain the amended information.

☐ Yes

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Report (FCC Form 395-A).

SECTION VII - CERTIFICATIONS

- For new station and major change applicants only, the applicant certifies that it has or will comply with the public notice requirement of 47 C.F.R. Section 73.3580(g). ☒ Yes
- For applicants proposing translator rebroadcasts who are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted. ☐ Yes

Primary station proposed to be rebroadcast:

N.A.

Call Sign	City	State	Channel No.

- The applicant certifies that it has contacted an authorized spokesperson for the owner of the rights to the proposed transmitter site and has obtained reasonable assurance that the site will be available for its use if this application is granted. ☒ Yes

That person can be contacted at the following address and telephone number:

Name Barry L. March		Mailing Address or Identification General Manager, Quality Inn	
City Lebanon	State PA	ZIP Code 17042	Telephone No. (include area code) (717) 273-6771

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)


The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.85, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.**

I certify that the statements in this application are true, complete and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant Raystay Company	Signature 
Title Vice President	Date David A. Gardner March 7, 1989

For Commission Fee Use Only

or Applicant Fee Use Only

RECEIVED

MAR 9 1989

FCC

FEE NO: 705264

FEE TYPE:

FEE AMT:

ID SEQ:

Is a fee submitted with this application? ☒ Yes ☐ No

If No, indicate reason therefor (check one box):

☐ Nonfeasible application

Fee Exempt (See 47 C.F.R. Section 1.1112)

☐ Noncommercial educational licensee☐ Governmental entity**DUPLICATE**

SECTION I - GENERAL INFORMATION

Form Commission Use Only

File No. BFTTL 890309NZ

1. Name of Applicant Raystay Company	Address P. O. Box 38		
	City Carlisle	State PA	Zip Code 17013
	Telephone No. (include area code) (717) 245-0040		

2. This application is for: (check one box)

☒ Low Power Television☐ TV Translator☐ TV Booster

(a) Proposed Channel No. 55	(b) Community to be served: City Lebanon	State PA
--------------------------------	---	----------

(c) Check one of the following boxes:

☐ Application for NEW station☐ MAJOR change in licensed facilities; call sign: _____☐ MINOR change in licensed facilities; call sign: _____☐ MAJOR modification of construction permit; call sign: _____

File No. of Construction Permit: _____

☐ MINOR modification of construction permit; call sign: _____

File No. of Construction Permit: _____

☐ AMENDMENT to pending application; Application file number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Sections I and VII and those other portions of the form that contain the amended information.

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Report (FCC Form 396-A).

SECTION VII - CERTIFICATIONS

1. For new station and major change applicants only, the applicant certifies that it has or will comply with the public notice requirement of 47 C.F.R. Section 73.3580(g). ☒ Yes ☐

2. For applicants proposing translator, rebroadcasts who are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted. ☐ Yes ☐

N.A.

Primary station proposed to be rebroadcast:

Call Sign	City	State	Channel No.

3. The applicant certifies that it has contacted an authorized spokesperson for the owner of the rights to the proposed transmitter site and has obtained reasonable assurance that the site will be available for its use if this application is granted. ☒ Yes ☐

That person can be contacted at the following address and telephone number:

Name	Barry L. March			Mailing Address or Identification	General Manager, Quality Inn		
City	Lebanon	State	PA	ZIP Code	17042	Telephone No. (include area code)	(717) 273-6771

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.85, the APPLICANT has a continuing obligation to advise the Commission, through amendments, or any substantial and significant changes in information furnished.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.

I certify that the statements in this application are true, complete and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant	Ravstav Company			Signature	<i>David A. Gardner</i>	
Title	Vice President			Date	March 7, 1989	

APPENDIX B

ENGINEERING STATEMENT IN SUPPORT OF AN
APPLICATION FOR A
CONSTRUCTION PERMIT FOR A
NEW LOW POWER TELEVISION STATION
ON CHANNEL 38 IN LEBANON, PENNSYLVANIA

On Behalf of
RAYSTAY COMPANY

EE-1

February 27th, 1989

ENGINEERING STATEMENT IN SUPPORT OF
AN APPLICATION FOR A
CONSTRUCTION PERMIT FOR A
NEW LOW POWER TELEVISION STATION
ON CHANNEL 38 IN LEBANON, PENNSYLVANIA

On behalf of
RAYSTAY COMPANY

EE-1

Index:

1. Declaration of Engineer
2. FCC Form 346, Section II
3. Narrative Statement
4. Fig. 1A, Topographic Map of Proposed Site
5. Fig. 1B, Section of Topographic Map
6. Fig. 2. General Area Map
7. Fig. 3, Vertical Plan Sketch of Proposed
Antenna & Supporting Structure
8. Fig. 4, Tabulation of Bogner type B16UA Relative Field Strength
9. Fig. 5, Horizontal Plot of Ant Relative Field Strength
Oriented at N-205.3-E
10. Fig. 6, Vertical Plane Shape Factor for B16UA Antenna
with -2 Degrees Beam Tilt

Proposed
Ch 35 Ant

48.1 m agl
158 ft

191.4 m amsl
628 ft

Proposed
Ch 38 Ant

CR

35.6 m agl
117 ft

178.9 m amsl
587 ft

21.9 m agl
72 ft

625 Quentin Rd
Lebanon, PA

Roof height measured
w/ surveyors cord

Gnd Elev -
143.3 m
470 ft

Proposed
Site

N 40° 19' 49"

W 76° 25' 37"

Painted & Lighted
in Accordance with
FAA Specifications

Drawing not to scale

Figure 3

Vertical Plan Sketch
of Supporting Structure

Channel 38

Raystay Company
Lebanon, Pennsylvania

R. L. HOOVER
CONSULTING
TELECOMMUNICATIONS ENGINEER

APPENDIX C

EXHIBIT 1

The permittee respectfully submits that a grant of the instant application would be in the public interest for the following reasons:

Initially, it must be noted that Raystay Co. has built and is currently the licensee of LPTV station WLLP licensed to Dillsburg, PA. Raystay built the station pursuant to a construction permit issued to it by the Commission.

At the present time, equipment for the station has not been ordered or delivered. Raystay, however, has had discussions with equipment suppliers concerning the types and prices of equipment that could be used at the site specified in the construction permit. It has entered into lease negotiations with representatives of the owners of the antenna site specified in the application, although those negotiations have not been consummated. A representative of Raystay and an engineer have visited the antenna site and ascertained what site preparation work and modifications need to be done at the site.

Raystay has undertaken research in an effort to determine the programming that would be offered on the station. It has had discussions with program suppliers to determine what programs could be available for broadcast on the station. It has also had continuing negotiations with local cable television franchises to

ascertain what type of programming would enable the station to be carried on local cable systems.

The denial of this extension request could eliminate any possibility of the proposed LPTV service being offered to the community. No application mutually exclusive with Raystay's construction permit application was filed, so no other entity has expressed an interest in providing this service.

Accordingly, Raystay requests that the Commission extend the date for construction for a period of six months from the date this application is granted or from the date the current construction permit expires, whichever is later.

RECEIVED

DEC 20 1991

Federal Communications Commission
Office of the Secretary

TELECOPIER
(202) 765-0934

DUPLICATE

LEWIS I. COHEN
MORTON L. BERFIELD
ROY W. BOYCE
JOHN J. SCHAUBLE*

(202) 466-8563

*VIRGINIA BAR ONLY

December 20, 1991

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554



Dear Ms. Searcy:

On behalf of Raystay Co., permittee of low power television station W38BE at Lebanon, Pennsylvania, we are submitting an original and one copy of an application for additional time to construct that station.

Pursuant to the Commission's July 11, 1991 Public Notice (FCC Fees, 69 RR 2d 787, 788), no filing fee is required for this application.

Should there be any questions regarding this matter, kindly communicate directly with this office.

Respectfully submitted,

John J. Schauble

John J. Schauble

80006

APPLICATION FOR EXTENSION OF BROADCAST CONSTRUCTION
PERMIT OR TO REPLACE EXPIRED CONSTRUCTION PERMIT
(CAREFULLY READ INSTRUCTIONS ON BACK BEFORE COMPLETING)

For Commission Use Only

File No.

BMPITL-911220JF

1. Legal Name of Applicant (See Instruction C) Raystay Company		3. PURPOSE OF APPLICATION: <input checked="" type="checkbox"/> a. Additional time to construct broadcast station <input type="checkbox"/> b. Construction permit to replace expired permit	
2. Mailing Address (Number, street, city, state, ZIP code) P.O. Box 38 Carlisle, PA 17013 Telephone No. (Include Area Code) (717) 245-0040		4. IDENTIFICATION OF OUTSTANDING CONSTRUCTION PERMIT: File Number BMPITL-890309TD Call Letters W38BE Frequency 614-620 Mhz Channel No. 38 Station Location Lebanon, PA	
5. OTHER: Submit as Exhibit No. <u>N/A</u> a list of the file numbers of pending applications concerning this station, e.g., major or minor modifications, assignments, etc.		6. EXTENT OF CONSTRUCTION: (a) Has equipment been delivered? <input type="checkbox"/> YES <input type="checkbox"/> NO If NO, answer the following: <u>See Exhibit 1</u> From Whom Ordered <u>See Exhibit 1</u> (If no order has been placed, so indicate) Date Ordered _____ Date Delivery Promised _____ (b) Has installation commenced? <input type="checkbox"/> YES <input type="checkbox"/> NO <u>See Exhibit 1</u> If YES, submit as Exhibit No. _____ a description of the extent of installation and the date installation commenced. (c) Estimated date by which construction can be completed. <u>See Exhibit 1</u>	
7. (a) If application is for extension of construction permit, submit as Exhibit No. <u>1</u> reason(s) why construction has not been completed. (b) If application is to replace an expired construction permit, submit as Exhibit No. <u>N/A</u> the reason for not submitting a timely extension application, together with the reason(s) why construction was not completed during the period specified in the construction permit or subsequent extension(s).			
8. Are the representations contained in the application for construction permit still true and correct? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If NO, give particulars in Exhibit No. _____			

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.


Legal Name of Applicant Raystay Company	Signature 
Title President	Date December 18, 1991

EXHIBIT 1

The permittee respectfully submits that a grant of the instant application would be in the public interest for the following reasons:

Initially, it must be noted that Raystay Co. has built and is currently the licensee of LPTV station W40AF licensed to Dillsburg, PA. Raystay built the station pursuant to a construction permit issued to it by the Commission.

At the present time, equipment for the station has not been ordered or delivered. Raystay, however, has had discussions with equipment suppliers concerning the types and prices of equipment that could be used at the site specified in the construction permit. It has entered into lease negotiations with representatives of the owners of the antenna site specified in the applications, although those negotiations have not been consummated. A representative of Raystay and an engineer have visited the antenna site and ascertained what site preparation work and modifications need to be done at the site.

Raystay has undertaken research in an effort to determine the programming that would be offered on the station. It has had discussions with program suppliers to determine what programs could be available for broadcast on the station. It has also had continuing negotiations with local cable television franchises to

ascertain what type of programming would enable the station to be carried on local cable systems.

The denial of this extension request could eliminate any possibility of the proposed LPTV service being offered to the community. No application mutually exclusive with Raystay's construction permit application was filed, so no other entity has expressed an interest in providing this service.

Accordingly, Raystay requests that the Commission extend the date for construction for a period of six months from the date this application is granted or from the date the current construction permit expires, whichever is later.

EXHIBIT

DECLARATION

David A. Gardner, under penalty of perjury, states that the following is true and correct to the best of his knowledge:

In the course of my employment, I provided management services to Raystay Co., which, among other things, is the licensee of low-power television (LPTV) station W40AF, which is licensed to Dillsburg, PA, and held construction permits for LPTV stations in Lancaster, PA, and Lebanon, PA.

In the latter part of 1991, I was involved in negotiations with several parties who were interested in purchasing, the Lancaster and Lebanon LPTV construction permits. One of the parties I negotiated with who expressed interest in purchasing the construction permits was Trinity Christian Center of Santa Ana, Inc. d/b/a Trinity Broadcasting Network (Trinity).

In the early fall of 1991, one of the parties who was exploring purchasing the construction permits asked me to call the owners of the Lancaster and Lebanon sites to ensure that the sites were still available. I cannot recall whether it was Trinity or another potential buyer that made that request. I called Ready Mixed Concrete Company, the owner of the Lancaster site, and the Quality Inn, the owner of the Lebanon site. I was informed by representatives of both companies that they were still willing to negotiate an agreement to make their respective properties available as sites for LPTV stations. I generally discussed possible lease terms with both individuals.

A contract engineer hired by the potential buyer made arrangements to inspect both sites. He subsequently informed me

that he visited both the Lancaster and Lebanon sites. That inspection was the visit mentioned by Mr. Rick in Paragraph 4 of his April 19, 1993 affidavit. With respect to the suitability of the sites, the engineer was impressed with the Lebanon site, but he was concerned with the dust at the Lancaster site. If anybody told Mr. Rick that the site was unsuitable, it was the buyer's engineer, not me. I was not told anything which would lead me to conclude that the site was unsuitable for Raystay's purposes.

In December 1991, I called John Schauble of Cohen and Berfield and asked him to prepare applications to extend the Lancaster and Lebanon construction permits. Mr. Schauble and I discussed what actions had been taken with respect to the construction permits. He then sent me, via facsimile, the documents that became Exhibit 1 of the applications to extend the construction permits. I believed the statements in the exhibit were accurate, so I approved the exhibit. Mr. Schauble then prepared the remainder of the application, which he sent to me.

With respect to the statement in the exhibit that Raystay "has entered into lease negotiations with representatives of the owners of the antenna site specified in the applications," I believe that my telephone calls with the representatives can fairly be described as preliminary "lease negotiations," since we generally discussed the terms under which the sites might be made available. With respect to the statement, "A representative of Raystay and an engineer have visited the antenna site and ascertained what site preparation work and modifications need to be done at the site,"

that statement refers to the engineer's visit to the sites. As far as I was concerned, one of the purposes for the visit was to determine what site preparation work and modifications would have to be made at the sites. Although I did not accompany the engineer on his visit, I have seen both sites.

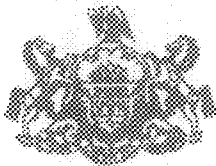
Until the last couple of weeks, I had no reason to believe that the sites specified by Raystay in the Lancaster and Lebanon LPTV applications would have been unavailable to Raystay if those stations had been built. To the best of my knowledge, neither I nor anybody else connected with Raystay ever made a judgement that the sites were unsuitable as antenna sites for LPTV stations.

June 3 1993
Date

David A. Gardner
David A. Gardner

COURT OF COMMON PLEAS OF LANCASTER COUNTY
CORRESPONDENCE
FILE

JAMES E. MOORE
Administrator



717-293-8091
Telephone

OFFICE OF OFFICIAL COURT REPORTERS

50 North Duke Street
PO Box 3480
Lancaster, Pennsylvania 17603-1881

RECEIVED

OCT 28 1993

FCC MAIL ROOM

To: The Secretary FCC
1919 M. Street NW
Washington, D.C. 20554

26 Oct. 1993

From: Alfred W. Kershaw, RPR
Official Court Reporter

93-75

In re The Applications of Trinity Broadcasting Company and
Glendale Broadcasting Company, depositions of Barry L. March and
Edward Rick, III.

Please be advised that I am mailing you this date the
above-mentioned depositions with their exhibits for filing with the
FCC.

Sincerely yours,

Alfred W. Kershaw

Alfred W. Kershaw, RPR

cc:Lewis I. Cohen, Esq.